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MEMBER DEL. AND FLA. BARS

April 11, 2006

The Honorable Gregory M. Sleet
U.S. District Court
844 King Street
Wilmington, DE 19801

Re: U.S. v. Deondre Q. Boyer
Cr.A. No. 05-98-GMS

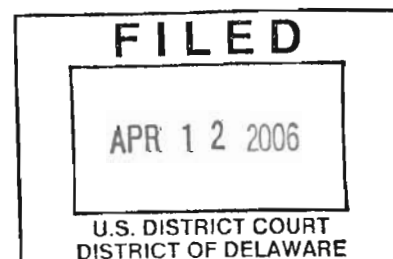
Dear Judge Sleet:

Thank you for the opportunity to have a brief period of time, after the conclusion of my vacation, to compose a proffered instruction regarding the defense upon which the defendant relies.

I have utilized the case of United States v. Dodd as the basis for the choice of evils defense. I attach a copy of that decision for your convenience. There have been some minor alterations in the language I have selected, but the thrust of the language of the proffered charge, as you will see, is identical to Dodd.

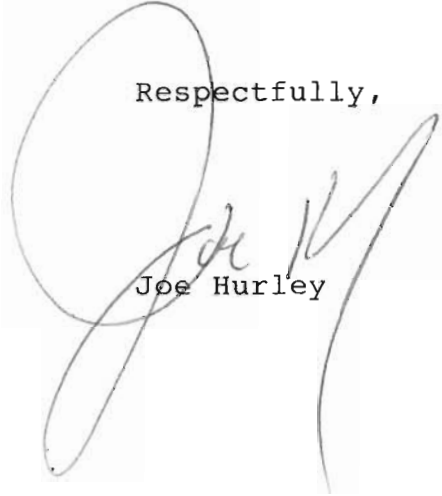
I have utilized 3 O'Malley, Grenig & Lee, Federal Jury Practice and Instructions §104.01(5th Ed.2000) for the definition of "preponderance of the evidence".

This instruction is submitted with the acknowledgment that the Government retains its right to argue that, based upon the record, there is insufficient evidence to support the giving of such instruction.



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Respectfully,



Joe Hurley

JAH:jr
Enclosures

pc: Douglas E. McCann, Esquire
w/enclosures